

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIK MARTINEZ,

Defendant.

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8:12CR334

ORDER

This matter is before the court on the motions for an extension of time by defendant Erik Martinez (Martinez) (Filing Nos. 25 and 27). Martinez seeks an additional five weeks in which to file pretrial motions in accordance with the progression order. Martinez has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 27). Martinez's counsel represents that government's counsel and counsel for the co-defendant have no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Martinez's motions for an extension of time (Filing Nos. 25 and 27) are granted. Martinez is given until **on or before January 11, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., **the time between December 6, 2012, and January 11, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 6th day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge